

Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 IO-13 ISO-00 NSCE-00 CIAE-00
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FM AMEMBASSY KINSHASA

TO SECSTATE WASHDC IMMEDIATE 5710

INFO AMCONSUL LUBUMBASHI PRIORITY

AMEMBASSY BRUSSELS PRIORITY

AMEMBASSY LONDON PRIORITY

AMEMBASSY PARIS PRIORITY

AMEMBASSY LUSAKA PRIORITY

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AMEMBASSY PRETORIA PRIORITY

USMISSION USUN NEW YORK PRIORITY

USIA WASHDC PRIORITY

C O N F I D E N T I A L SECTION 1 OF 2 KINSHASA 8673

PRETORIA FOR AMBASSADOR CUTLER

USIA FOR IAA

E.O. 11652: GDS

TAGS: PGOV PINS CG US

SUBJECT: THE NGUZA TRIAL

REF: A) KINSHASA 8589 (NOTAL)

B) KINSHASA 8559 (.95-))

C) KINSHASA 8469 (NOTAL)

D) STATE 21679 (NOTAL)

1. BEGIN SUMMARY: THE TREASON TRIAL OF FORMER FORNMIN NGUZA

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BEGAN SEPTEMBER TENTH. THE PROSECUTION HAS DEMANDED THE
DEATH PENALTY FOR HIGH TREASON. DURING THE APPROXIMATELY
TWENTY MINUTES OF LIVE TV COVERAGE, NGUZA DEFENDED HIMSELF
VIGOROUSLY AGAINST THE CHARGES LEVIED AGAINST HIM WHILE
PROCLAIMING HIS LOYALTY TO PRESIDENT MOBUTU. THE VERDICT
REPORTEDLY WILL BE HANDED DOWN SEPTEMBER 13. END SUMMARY.

2. THE PROTIIONS OF THE TRIAL WHICH WERE TRANSMITTED OVER TV SHOWED NGUZA IN FULL COMMAND OF HIS FACULTIES, SUFFERING FROM NO APPARENT PHYSICAL DISABILITIES, AND FAR MORE ARTICULATE IN FRENCH THAN THE CHIEF TRIAL JUDGE. HE PROCLAIMED HIS INNOCENCE OF THE THREE CHARGES OF WHICH HE IS FORMALLY ACCUSED:

- A) PREJUDICE ("ATTEINTE") TO THE EXTERNAL SECURITY OF THE STATE;
- B) FAILURE TO REPORT INVADERS AND PREJUDICE TO THE INTERNAL AND EXTERNAL SECURITY OF THE STATE; AND
- C) OFFENSE AGAINST THE PERSON OF THE CHIEF OF STATE.

3. THE ZAIREAN DAILY ELIMA FOR SEPTEMBER 11 CARRIED AN ACCOUNT OF THE TRIAL. ACCORDING TO THIS NEWSPAPER, THE PROSECUTION ATTEMPTED TO ESTABLISH FOUR POINTS WHICH WOULD PROVE NGUZA'S GUILT.

A) FIRST OF THESE WAS THAT THE FORMER FOREIGN MINISTER HAD HAD A SECRET MEETING WITH OPPOSITION LEADER TSHILENGE IN PARIS ON THE NIGHT OF JUNE 9.

B) SECOND WAS THAT NGUZA HAD FAILED TO PASS ON TO MOBUTU A WARNING OF THE IMPENDING INVASION OF SHABA WHICH HE HAD RECEIVED FROM KIBWE. THE ISSUE HERE FINALLY CENTERED AROUND THE QUESTION OF A PROPER TRANSLATION OF A MESSAGE IN SWAHILI WHICH NGUZA HAD RECEIVED FROM KIBWE.

C) STILL ACCORDING TO ELIMA, THE PROSECUTION NEXT TRIED TO ESTABLISH THAT THE PARAMOUNT CHIEF OF THE LUNDA TRIBE, THE MWANT YAV, HAD SENT A MESSAGE TO MOBUTU

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THROUGH NGUZA WHICH THE LATTER HAD FAILED TO DELIVER. NGUZA DENIED RECEIVING SUCH A DOCUMENT. WHEN THE MWANT YAV WAS CALLED TO THE STAND TO TESTIFY, HE CONTRADICTED HIMSELF TO THE POINT WHERE THE CHIEF TRIAL JUDGE WAS LED TO EXCLAIM, "LOOK HERE, CERTAIN ACCUSATIONS MADE AGAINST THE ACCUSED ARE BASED ON YOUR DECLARATIONS".

D) THE LAST ALLEGATION AGAINST NGUZA AS REPORTED BY THE NEWSPAPER WAS THAT HE HAD SPOKEN DISPARAGINGLY OF MOBUTU'S ELEVATION OF MPINGA TO BE FIRST COMMISSIONER. HOWEVER, WITNESS IDENTIFIED AS CHARGE D'AFFAIRES SETI OF THE ZAIRIAN EMBASSY IN PARIS INDICATED THAT NGUZA HAD SPLKEN OF "SURPRISE" AT THE APPOINTMENT RATHER THAN "DISAPPOINTMENT" AS THE PROSECUTION HAD CLAIMED.

4. ELIMA REPORTED THAT THE PROSECUTION'S SUMMARY DWELT ON NGUZA'S ALLEGED TREASON AND INGRATITUDE AS WELL AS HIS RESPONSIBILITY FOR THE DESOLATION CAUSED BY THE SHABA INVASION. HE DEMANDED DEATH FOR HIGH TREASON, WITH LESSER PENALTIES OF TWO YEARS IMPRISONMENT FOR EACH OF THE OTHER TWO CHARGES: I.E., FAILURE TO REPORT INVADERS AND OFFENSE AGAINST THE PERSON OF THE CHIEF OF STATE.

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5. COMMENT. PRESIDENT MOBUTU KEPT SOME BUT NOT ALL
OF HIS PROMISES CONCERNING THE TRIAL OF NGUZA (REF A AND
B). HE HAD SAID NGUZA WOULD BE ALLOWED TO RETAIN
FOREIGN LAWYERS IF HE DESIRED; NONE WERE PRESENT IN
THE COURT. THE BELGIAN LAWYER WOLFE RETAINED BY
MRS. NGUZA (REF D) WAS DESCRIBED TO US BY THE BELGIAN
CHARGE AS THE HEAD OF THE "BELGIAN LEAGUE FOR HUMAN
RIGHTS". THE BELGIAN CHARGE CONFIRMED THAT A BELGIAN
EMBOFF WAS PRESENT AT THE AIRPORT TO ASSIST WOLFE IN
ENTERING THE COUNTRY, BUT THAT WOLFE WAS REFUSED
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ADMITTANCE BY ZAIRIAN AUTHORITIES BECAUSE HE HAD NO VISA. THREE BELGIAN TV REPORTERS WERE ON THE SAME AIRCRAFT AND LIKEWISE LACKED VISAS; REPORTEDLY THEY WERE ADMITTED AND POSSIBLY WERE AMONG THE EUROPEAN JOURNALISTS SEEN AT THE TRIAL. THE BELGIAN CHARGE AND FRENCH AMBASSADOR ADDED THAT THEY HAD UNCONFIRMED REPORTS OF A FRENCH LAWYER NAMED LEVY WHO MIGHT HAVE INTENDED TO ASSIST IN NGUZA'S DEFENSE (REF D), BUT NEITHER THEY NOR WE HAVE HEARD THAT SUCH AN INDIVIDUAL TRIED TO ENTER THE COUNTRY. NGUZA'S DEFENSE WAS HANDLED BY TWO ZAIRIAN LAWYERS: MAITRE NDUDI-NDUDI, PRESIDENT ("BATONNIER") OF THE ZAIRIAN BAR ASSOCIATION AND A CONDIDATE FOR ELECTION TO THE POLITICAL BUREAU, AND MAITRE TSHIWEWE, A LAWYER OF THE APPEALS COURT OF KINSHASA. NEITHER IS KNOWN TO THE EMBASSY.

6. MOBUTU KEPT HIS PROMISE THAT THE TRIAL WOULD BE PROMPT AND PUBLIC. NOT ONLY WAS THE COURTROOM JAMMED, BUT LOUDSPEAKERS CARRIED THE PROCEEDINGS TO PEOPLE GATHERED OUTSIDE THE COURT. ON THE OTHER HAND, THE PROMISED LIVE RADIO COVERAGE DID NOT TAKE PLACE. LIVE TV COVERAGE WAS SHORT-LIVED, PERHAPS DUE TO TECHNICAL DIFFICULTIES. DURING THE SHORT PORTION OF TRIAL THAT WAS SUCCESSFULLY TRANSMITTED OVER TV, NGUZA GAVE A VERY FAVORABLE IMPRESSION. DESPITE THE LACK OF TECHNICAL EXPERTISE AT THE VOICE OF ZAIRE, MOBUTU'S OPPONENTS WILL BE QUICK TO CHARGE THAT THE TECHNICAL DIFFICULTIES WHICH PREVENTED CONTINUED LIVE COVERAGE WERE NOT FORTUITOUS.

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